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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,472	02/22/2002	Varda Treibach-Heck	Call-Tell PD	8496

7590 04/18/2005

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EXAMINER

NGUYEN, NHON D

ART UNIT PAPER NUMBER

2179

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/080,472	TREIBACH-HECK ET AL.	
	Examiner	Art Unit	
	Nhon (Gary) D Nguyen	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to amendment, filed 12/24/2004.
2. Claims 1-7 are pending in this application. Claims 1, 5 and 6 are independent claims. In this amendment, no claim is canceled, claims 1, 5 and 6 are amended, and no claim is added.

This action is made final.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the display widths" in lines 14-15. There is insufficient antecedent basis for this limitation in the claim. The same rejection is applied to claim 5.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art in view of Microsoft Internet Explorer ("Microsoft IE").

As per claims 1-5, the applicant's admitted prior art teaches a data input method comprising:

in a mark-up language-based browser, generating and displaying on a display screen a graphical input device, which is a non-menu, text-input graphic device but having the appearance of a drop-down menu, the graphical input device being associated with a user-selectable parameter and having a displayed data entry field of a first display width; associating a set of user-dependent choices with the graphical input device; sensing user selection of the graphical input device; upon sensing user selection of the graphical input device, displaying on the screen a list of the user-dependent choices, the list having a second display width; sensing selection by a user of one of the user-dependent choices; and displaying at least a portion of the selected user-dependent choice in the data entry field and setting the user-selectable parameter to the selected user-dependent choice; downloading, from a server, into a local computer, code for controlling display on a display screen; executing the downloaded code using a browser, the downloaded code being in a mark-up language, in which the mark-up language is selected from the group consisting of HTML and its derivatives; and generating and displaying a graphical input device by executing a subroutine that is scripting embedded within the downloaded code (fig. 1; pages 2-5, [0006]-[0017]).

The applicant's admitted prior art does not teach automatically choosing the second display width as a function of display widths of the user-dependent choices, such that the second display width is expandable relative to the first display width. Microsoft IE discloses a second

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display width (2 of fig. 2) is chosen as a function of display widths of the user-dependent choices, such that the second display width is expandable relative to the first display width (1 of fig. 2). It would have been obvious to an artisan at the time of the invention to apply the teaching from Microsoft IE to modify the applicant's prior art to have the second display width greater than the first display width since it would conserve the display space.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art in view of Microsoft Outlook.

As per claim 6, the applicant's admitted prior art teaches in a computer system that receives web content expressed in a version or derivative of the hypertext mark-up language HTML and executes the HTML-expressed content in a browser to control a display and to receive input data from a user via a graphical user interface, a data input method comprising:

in a mark-up language-based browser, generating and displaying on a display screen a graphical input device by executing a corresponding HTML routine in the browser, the graphical input device being associated with a user-selectable parameter; associating a set of user-dependent choices with the graphical input device; embedding a non-HTML script within the HTML routine; sensing user selection of the graphical input device; upon sensing user selection of the graphical input device, displaying on the screen a list of the user-dependent choices, each user-dependent choice comprising a respective set of sequentially ordered characters; associating with the list at least first and second key press events (KPE), the first KPE indicating completion of user selection of one of the user-dependent choices, the second KPE indicating user entry of any of the characters; upon sensing any first KPE, rendering the list invisible on the display

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screen and executing a first portion of the non-HTML script to assign a currently selected one of the user-dependent choices to be the value of the user-selectable parameter; upon sensing a first occurrence of any second KPE, executing a second portion of the non-HTML script, and searching and marking for the user a first one of the user-dependent choices whose first character matches the user-entered character constituting the sensed second KPE (fig. 1; pages 2-3, [0007]-[0009] and page 8, [0025] and [0026]);

The applicant's admitted prior art does not disclose as long as second KPES are sensed, and until any first KPE is sensed, upon sensing an n'th occurrence of any second KPE, searching and marking for the user a first one of the selectable data entries whose characters match the first through n'th user-entered characters constituting the first through n'th occurrence of second KPES. Microsoft Outlook discloses in fig. 2 the searching and marking a first one of the selectable data entries (2) whose characters match the first through n'th user-entered characters (1) in the text-entry box. It would have been obvious to an artisan at the time of the invention to apply the teaching from Microsoft IE to modify the applicant's prior art to have the feature of searching and marking a first one of the selectable data entries (2) whose characters match the first through n'th user-entered characters since it would allow the users to locate an item within a set of items faster.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's admitted prior art in view of Microsoft Outlook and further in view of Official Notice.

As per 7, which is dependent on claim 6, the applicant's admitted prior art in view of Microsoft Outlook does not disclose the step of and searching and marking the first one of the

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user-dependent choices whose first character matches the user-entered character constituting the sensed second KPE comprises searching the user-dependent choices beginning to right of a delimiting character. The Examiner takes Official Notice that searching the user-dependent choices beginning to right of a delimiting character is just a design choice and it is well known in the computer art. It would have been obvious to an artisan at the time of the invention to apply the teaching of searching the user-dependent choices beginning to right of a delimiting character in the modified applicant's admitted prior art since it would allow a software designer to direct the users to search only the way the designer wants, which in this case is only beginning to right of a delimiting character.

Response to Arguments

9. Applicant's arguments filed 12/21/2004 have been fully considered but they are not persuasive.

Applicant argued the following:

(a) Referring to claims 1 and 5, even if one were to say that Microsoft IE allows for a pop-up window of a different width than that of the data entry field it is associated with, then it is still true that the width of the pop-up window is unrelated to the character widths of the choices to be presented to the user. Rather, the Microsoft IE prior art the Examiner cited relies wholly on user manipulation, or luck. In short, the prior art cited by the Examiner illustrates the problem of existing html-based input screens, not the solution that the applicants' invention provides.

(b) Referring to claim 6, given the admitted benefit of the functionality provided by the invention in a browser environment, the applicants point out that Microsoft Corporation, which

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develops both Outlook and Internet Explorer, would have incorporated an advantageous feature from Outlook into Internet Explorer if to do so were obvious.

(c) Referring to claim 7, given benefit to users of rapidly and efficiently selecting input entries that are organized at perhaps many levels (each with a delimiter), one would expect browsers, and browser manufacturers such as Microsoft, to have provided this feature. They haven't. This is in part because this form sub-field entry selection is not enabled in HTML.

The Examiner disagrees for the following reasons:

(a) In order for a system, software or application functions properly, it must be set up or configured for a first time. In this case, expanding the width of the pop-up window for a first time, then every time upon sensing user selection of the graphical input device, the pop-up window with expanded width relative to the first display width will be automatically displayed. Therefore, Microsoft IE does read on the claim language of independent claims 1 and 5, especially the limitation, "automatically choosing the second display width as a function of the display widths of the user-dependent choices, such that the second display width is expandable relative to the first display width".

(b) In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392,

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170 USPQ 209 (CCPA 1971). In this case, since Outlook and Internet Explorer are in the same computer desktop field, it would have been obvious to an artisan at the time of the invention to apply the teaching from Microsoft IE to modify the applicant's prior art to have the feature of searching and marking a first one of the selectable data entries (2) whose characters match the first through n'th user-entered characters since it would allow the users to locate an item within a set of items faster.

(c) Office Action has pointed out that the applicant's admitted prior art (Internet Explorer) in view of Microsoft Outlook does not disclose searching the user-dependent choices beginning to right of a delimiting character. The Examiner, however, takes Official Notice that searching the user-dependent choices beginning to right of a delimiting character is just a design choice and it is well known in the computer art. It would have been obvious to an artisan at the time of the invention to apply the teaching of searching the user-dependent choices beginning to right of a delimiting character in the modified applicant's admitted prior art since it would allow a software designer to direct the users to search only the way the designer wants, which in this case is only beginning to right of a delimiting character.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571)272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
April 11, 2005


BA HUYNH
PRIMARY EXAMINER